

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

CARLOS HERNANDEZ,
Defendant

Docket No. 1:17-cr-10142-DJC

**DEFENDANT’S MOTION FOR HEARING
ON HIS MOTION FOR RELEASE ON CONDITIONS**

The defendant, Carlos Hernandez (“Hernandez” or “the defendant”), by and through undersigned counsel, respectfully requests that this Honorable Court schedule a hearing on his motion for release on conditions, which was previously filed on June 15, 2017. *See* ECF # 51. Undersigned counsel respectfully requests the hearing be held on either Tuesday, August 1, at 2:00, 3:00, or 3:30 PM, or Tuesday, August 8, at 3:30 or 4:00 PM,¹ or anytime on Friday, August 11.

As grounds for this motion, the defendant avers and states he agreed to voluntary detention at his detention/arraignment hearing on June 16, when this Honorable Court stated he would need to find a different third-party surety (and residence) than his sister (and her home), given that pre-trial services had deemed her unsuitable in view of her past criminal history. In response thereto, undersigned counsel spoke in further detail with the defendant’s sister (Laurence “Sandra” Plummer) about her background/history and so-informed this Honorable Court at the initial status

¹ Undersigned counsel is requesting a later than normal hearing time on this particular day because he has court appearances in Washington County Superior Court in South Kingston, RI at 11:30 that day. From past experience, return travel time to Boston has taken as long as two (2) hours.

conference held in July. Undersigned counsel stated in open court that day that Ms. Plummer said she would be willing to answer any questions this Court might have about her suitability, under oath. The Court replied, in essence, that if the defendant wanted Ms. Plummer to still be considered as a possible third-party surety in connection with his motion for release on conditions, she would need to be re-interviewed by Probation in person in Boston, first.² This Court made no statement as to the proposed conditions themselves, or to the merits of his motion.

As per this Court's advisory directive, Ms. Plummer met with Senior U.S. Probation Office Gina Affsa in the Office of U.S. Probation in Boston on July 18. A copy of P.O. Affsa's report of that interview, dated July 25, 2017, is filed herewith as Exhibit A. In it, P.O. Affsa appears to suggest that Ms. Plummer would be a suitable third party custodian, should the defendant be released on conditions. However, P.O. Affsa's report does not indicate/reflect any change in U.S. Probation's original recommendation against release on conditions.

The government continues to oppose the defendant's release.

WHEREFORE, the defendant respectfully requests a hearing before this Honorable Court on any of the dates/times requested in order to argue the merits of his motion and for his sister to present herself for the purpose of answering any question this Court might ask her. Accordingly, the defendant respectfully requests the relief requested herein be granted.

² U.S. Probation's original interview with Ms. Plummer was conducted via telephone.

Dated: July 27, 2017

Respectfully submitted,
CARLOS HERNANDEZ
By and through his attorney,

/s/ R. Bradford Bailey
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Certificate Pursuant to L.R. 7.1

I, R. Bradford Bailey, hereby certify that counsel for the government, AUSA Susan Winkler, has indicated that it will continue to oppose the defendant's motion for release on conditions.

/s/ R. Bradford Bailey
R. Bradford Bailey

Certificate of Service

I, R. Bradford Bailey, hereby certify that on this the 27th day of July, 2017, I caused a true copy of the foregoing *Defendant's Motion for Hearing on his Motion for Release on Conditions* to be served upon all necessary parties to this matter by virtue of electronically filing the same via the CM/ECF system.

/s/ R. Bradford Bailey
R. Bradford Bailey